

OGC Has Reviewed

Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070240-6

5 December 1947

Legal Decision
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MEMORANDUM FOR THE CHIEF, SECURITY BRANCH, OSO

Subject: Automobile Accidents

1. We have reviewed your memorandum of 27 August 1947 and have discussed informally the problems posed therein with the AGSO. It is our view that all contingencies cannot be specifically provided for, but certain rules may be laid down for the guidance of your men, and authorities obtained, which will enable them to handle certain situations to protect security.

2. There will be two general situations -- minor incidents such as brushed fenders and bent bumpers, and major accidents. The distinction is a matter of degree, without a clear-cut dividing line, and the circumstances will determine each case. In major accidents, it is almost certain that a demand to see registration and license will be made, and it would be safe to assume that the state police will be involved. While the other party to a major accident may have a right to the information contained in registration, driving permits, and insurance papers, we do not believe he need actually see the documents. Under no circumstances should your man produce Treasury or other Government credentials to identify themselves. If possible, they should try to satisfy the other party with the information on their personal driving licenses and await the arrival of the police. They should then attempt to have the police officers examine the CIA registration separately, without revealing the ownership of the car to the other party. They could then inform the police that they were acting in a confidential capacity and request that, if possible, the ownership of the car by CIA not be made a matter of record. In case the police doubt their story and wish confirmation, your man should be instructed then to call you collect. They would also explain to the police that being Government owned, the car carried no insurance. Your man should, of course, obtain all possible information pertaining to the accident, including, where possible, statements of witnesses, copies of police reports, and photographs for forwarding to this office at the earliest opportunity. Major accidents normally will involve a claim, and any claims against your man should be immediately forwarded to this office for action. Similarly, if there appears

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to be negligence on the part of the other person or persons concerned which might give rise to the claim on behalf of the Government, a full report should be forwarded to this office for consideration of the amount involved and whether to refer the case to the proper claims officials. In many cases, it may be possible to handle claims by or against the Government as personal claims by or against the employee to the point of final settlement.

Minor accidents may or may not involve a claim. Again, every effort should be made to have claims processed through this office. It may be that, in certain cases, where the Government employee feels he was clearly at fault to the extent that the Government would be liable for damages, circumstances may be such as to justify an immediate settlement for a small amount of cash. If this is done, the employee would have to demonstrate the circumstances as follows:

(a) He would have to cite the facts establishing his negligence or fault;

(b) He would have to show that failure to make immediate settlement would tend to disclose his CIA employment, or the CIA ownership of the car;

(c) He would have to establish that damage was such as to require an expenditure for repair;

(d) He would have to demonstrate that the amount of settlement was reasonable with reference to the cost of the repairs to be made.

The important item in the above, of course, is the requirement that relationship with CIA be protected. If such protection is not involved, no on the spot settlement could be reimbursed by the Government. We feel a limit should be set on the amount of such settlements and believe \$25.00 would be reasonable. We suggest that your proper move would be to draw up a project providing for reimbursement not to exceed \$25.00 for any one accident to take care of cases which meet the requirements set forth above. We believe the ADSO has the authority to approve such a project and to authorize the allocation of funds to support it. If he agrees with your view that the security of your operations requires this protection and approves the project, you should brief your men carefully, so that they will not pay out money improperly and find that they are denied reimbursement.

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In connection with the specific case presented by [REDACTED], you will note that all the requirements outlined by us above were not met, in that he stated that, in his opinion, the other driver was at fault. If this were true, there was no obligation on the part of the Government, and [REDACTED] paid through intimidation, rather than liability. There seems, however, to be some doubt as to the degree of negligence of the drivers involved, and, possibly, [REDACTED] merely wished to justify himself by throwing the blame on the other driver. Of course, if the Government driver is grossly or willfully at fault through reckless driving, drunken driving, etc., he would be personally liable and would not be reimbursed.

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